

MEMORANDUM

TO: Melinda Coleman, City Manager

FROM: Michael Martin, AICP, Economic Development Coordinator

DATE: May 3, 2016

SUBJECT: Consider Approval of a Conditional Use Permit Resolution, Ebenezer Karen Baptist Church, 1055 Viking Drive

Introduction

Peter Stalland, on behalf of Tom Hermanson and Ebenezer Karen Baptist Church, is requesting approval of a conditional use permit (CUP) for a church to operate at the building located at 1055 Viking Drive East. The city requires an approved CUP for a church to operate within any zoning district.

Background

September 7, 1972: The city council approved plans for the original building.

August 22, 1988: The city council approved a CUP for an addition on the west side of the building.

June 8, 1998: The city council approved a CUP allowing the parking lot to be expanded and thereby increasing the amount of impervious surface area to 67 percent of the lot.

Discussion

Parking

The church is proposing a gathering space to accommodate up to 400 people. For a church, city ordinance requires one parking space per every four seats – meaning 100 spaces are required. The applicant is proposing to leave the lower level as office space that will continue to be leased out. The lower level has 12,750 square feet of office space. For office space, city ordinance requires one space per every 200 square feet of area – meaning 64 spaces would be required. According to the applicant's letter, the site currently has 159 parking spaces and for the two proposed uses 164 are required. The church's main day of operation will be Sunday and the office space will be mainly used Monday through Friday. Because the uses do not overlap staff is not concerned of a parking shortage. The applicant should be required to submit to staff a seating chart for the main gathering space showing how 400 seats will be accommodated. Staff recommends the CUP for this site limit the gathering space to an occupancy of 400 persons.

Site Conditions

Before any certificates of occupancy are issued by the city the following items will need to be addressed:

- The applicant must repair any areas of the parking lot that are currently in disrepair
- All parking spaces must be clearly striped.
- All trash and recycling receptacles must be screened and may require building an enclosure

Department Review

Fire Marshall, Butch Gervais – The facility will require fire protection system throughout the entire building with visual and audio notification throughout. The system will be required to be monitored, all work will require permits and completed by a licensed contractor.

Building Inspector, Jason Brash – Must build per 2012 IBC, 2012 IMC, 2012 IFGC, 2014 NEC, 2012 UPC Minnesota State Plumbing Code, 2015 Minnesota State Building Code, 1323 Commercial Energy Code, 2012 IECC, 2015 Minnesota State Building Code with ANSI A117. 1-2009 accessibility rules. City will also require an architectural code analysis for construction, accessibility, and exiting requirements.

Staff Engineer, Jon Jarosch – See attached report.

Commission Review

On April 19, 2016, the planning commission reviewed the proposed conditional use permit for this site and recommended approval.

Budget Impact

None.

Recommendations

Adopt the resolution approving a conditional use permit for Peter Stalland, on behalf of Tom Hermanson and Ebenezer Karen Baptist Church, at 1055 Viking Drive. Approval is based on the findings required by ordinance and subject to the following conditions:

1. The main gathering space of the church is limited to 400 persons. Applicant shall submit a seating chart to city staff.
2. No exterior site or building exterior changes, except signage, shall take place unless approved by the city. Signs shall follow the city's sign ordinance. Signs shall not be installed unless the applicant first obtains sign permits.
3. Any and all trash receptacles shall be contained within an enclosed structure. Any design of a new structure shall be subject to the city's design review process.

4. The proposed use must be substantially started within one year of council approval or the permit shall become null and void. The council may extend this deadline for one year.
5. The city council shall review this permit in one year.
6. All of the applicant's parking shall be confined to the site and not allowed on city streets or neighboring properties.
7. City ordinance requires 164 spaces for the use of the building as a church and office space and 159 are being provided. The city approves the waiver of five parking spaces. The applicant shall submit to the city a parking plan showing the location of 5 proof-of-parking spaces or a reconfigured parking plan showing the existing site with 164 spaces while meeting all parking ordinance requirements.
8. The city shall monitor any parking complaints and report to the city council about compliance annually during the CUP review.
9. The applicant shall submit a parking restriping plan and maintenance plan for staff approval.
10. The applicant shall comply with all requirements of the building official, assistant fire chief and city engineer.

Citizen Comments

Staff surveyed the 21 property owners within 500 feet of this property for their comments about this proposal. Staff did not receive any comments.

Reference Information

Site Description

Site Size: 2.54 acres
Existing Land Use: Office building and former dental lab

Surrounding Land Uses

North: Single Family Homes
South: Highway 36
East: Office and warehouse buildings planned C and zoned M-1
West: Open Space

Planning

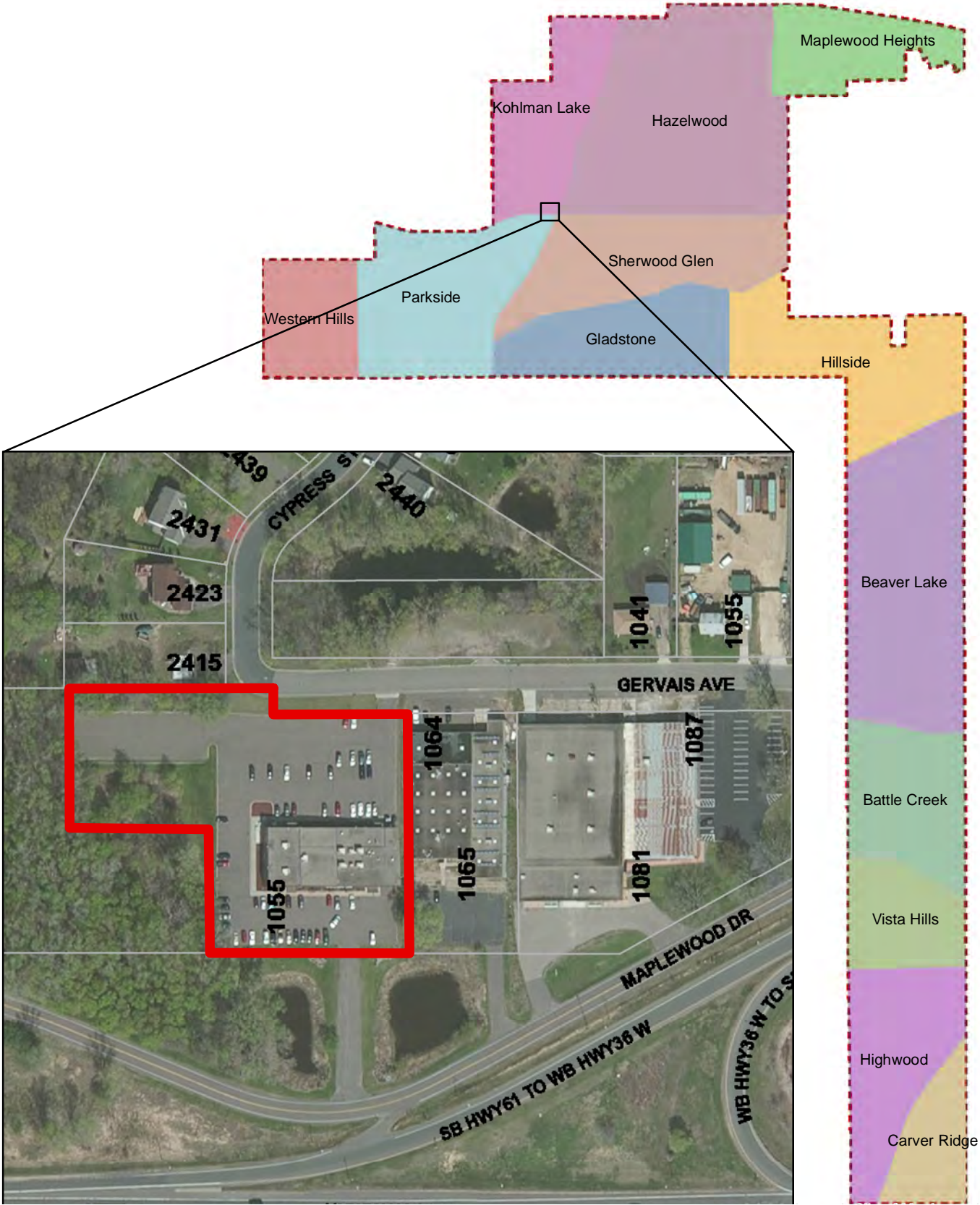
Land Use Plan: C (commercial)
Zoning: M-1 (light manufacturing)

Application Date

The city received a complete CUP application for this request on April 1, 2016. Minnesota Statutes, Section 15.99 requires that the city take action within 60 days of receiving a complete application for a land use proposal. Therefore, city action is required on this request by May 31, 2016.

Attachments

1. Location Map
2. Land Use Map
3. Zoning Map
4. Site Map
5. Applicant's Narrative
6. Engineering Report, Jon Jarosch, dated April 28, 2015
7. Draft Planning Commission Minutes, April 19, 2016
8. Resolution for a Conditional Use Permit Revision for a Church



1055 Viking Drive - Ebenezer Karen Baptist Church

Conditional Use Permit Review - Overview Map

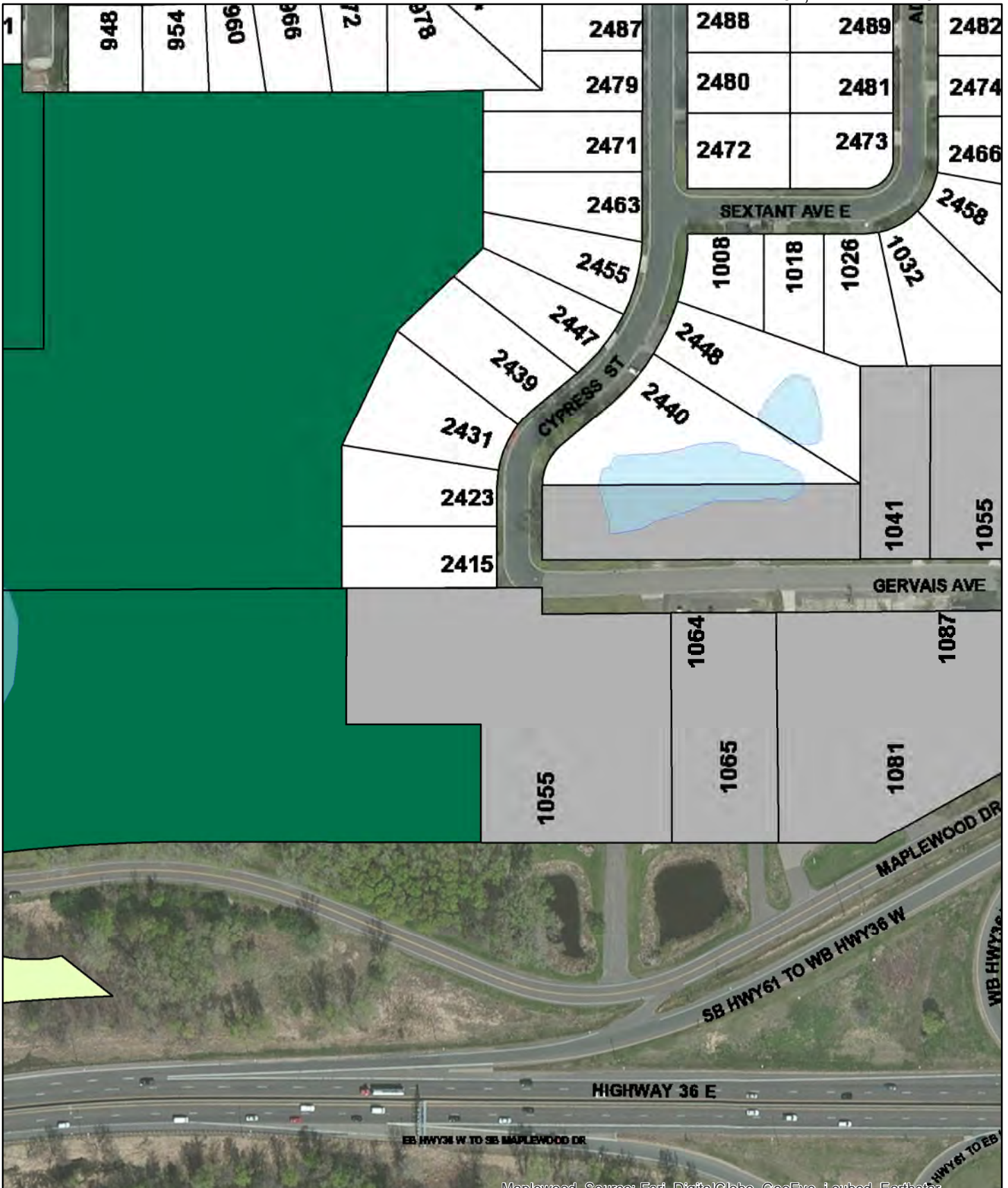


1055 Viking Avenue - Ebenezer Karen Baptist Church

Conditional Use Permit - Land Use Map

Legend

- Low Density Residential
- Commercial
- Park



1055 Viking Avenue - Ebenezer Karen Baptist Church

Conditional Use Permit - Zoning Map

Legend

- Light Manufacturing (m1)
- Open Space/Park
- Single Dwelling (r1)

Site Plan **No changes proposed to parking or building exterior.**

Proposed Church **1055 Viking Drive** **Maplewood, Minnesota**

Existing Building
 Lower level 12,750
 Upper level 12,750
 Total 25,500 sq. ft.

Existing Commercial Building

AND

That part of the West
 of the Southwest 1/4
 lying Northernly of St.
 to the right of way
 33 feet thereat, acco
 Survey thereof.

DESCRIPTION

MIDWEST
Land Surveyors & Civil Engineers, Inc.
 100 East Maple Street
 St. Paul, Minnesota 55102-2000
 Tel. 651-225-1100 Fax 651-225-1101
 E-mail: midwest@midwestsurvey.com
 License No. 125-250

GRAPHIC SCALE



LEGEND

- Denotes lot
- Denotes lot
- DENOTES
- EXISTING
- PROPOSED
- PROPOSED
- EXISTING
- EXISTING
- EXISTING
- PROPOSED
- PROPOSED

CSA files prepared for this owner by
 Designing Architects, S.A. 03

1788 City Center
 report was prepared
 supervision and the
 Professional Engineer

**Stalland Law Office, PLLC
K. Peter Stalland, Esq.
171 5th Street
Marine on St Croix, MN 55047
Tel#: 651-433-0155
Cell#: 651-245-7222
Email: peterstalland@hotmail.com**

March 29, 2016

Mr. Michael Martin
City Planner
City of Maplewood
1902 County Road B East
Maplewood, MN 55109

Re: Hermanson building: 1055 Viking Drive East
Conditional Use Permit Application

Dear Mike,

Please find enclosed a Conditional Use Application on behalf of Tom Hermanson, my client, as owner of the Hermanson Dental Building located at 1055 Viking Drive East, Maplewood. Mr. Hermanson currently has an executed purchase agreement with the Ebenezer Karen Baptist Church to buy his building subject to certain contingencies, one of which is obtaining the approval of the City of Maplewood for this conditional use permit to operate the building as a church. Also enclosed is a check in the amount of \$ 1,696.00 for the City and County fees associated with this permit application. The legal description for the property is attached marked as Exhibit A.

Our proposal does not involve any new construction or any outside additions or modifications to the building (see photo attached of the building exterior). The application is consistent with City Ordinance Section 44-1092 (3) which allows a church use in any zoning district which does not prohibit such use. There are 159 existing parking spaces. There are no changes to the exterior site plan (see site plan attached).

Attached are architectural renderings of the upper and lower floor plans for the building. The lower floor will remain primarily office space. The upper floor plan shows a sanctuary which will accommodate 400 seats. The church will not change the existing character of the area since the building and exterior parking lot surrounding the building will not change. The church will not depreciate property values since historically churches are located in and around residential neighborhoods. Given that the building will generate traffic only on Sundays, the use will not involve any activity that would be dangerous or cause a nuisance to the neighborhood. The general rule for parking/traffic assumes one parking space per 4 seats in a church sanctuary; at 400 seats the 159 spaces

easily accommodates this ratio. The current building is served by public utilities so there is no increase in services required.

Similarly, since the exterior building and site are not going to be changed in any way, the use will preserve the surrounding natural features and will not cause any adverse environmental effect.

It is interesting to note that the Twin Cities has the largest population of Karens from Burma in the United States, now totaling approximately 8,000. Of these, approximately 3,000 live in Maplewood. There are numerous Karen Baptist congregations in the St. Paul area. The Ebenezer group, which is buying the Hermanson building, lives in close proximity to the subject site which is one reason why this location makes sense for the congregation.

Please contact me with any questions, concerns, or need for additional information.

Thank you.

Yours truly,

A handwritten signature in black ink, appearing to read 'K. Peter Stalland', with a stylized flourish at the end.

K. Peter Stalland

cc Tom Hermanson

John Mannillo, representative for the Karen Baptist Church

Engineering Plan Review

PROJECT: Ebenezer Karen Baptist Church – 1055 Viking Drive
PROJECT NO: 16-05

COMMENTS BY: Jon Jarosch, P.E. – Staff Engineer

DATE: 4-8-2016

PLAN SET: Conceptual Site Plan

The applicant is proposing to convert the interior of the current Hermanson Dental building into a church. No exterior site improvements are proposed at this time.

The following are engineering review comments on the design and act as conditions prior to issuing permits.

Sanitary Sewer and Water Service

- 1) A Sanitary Sewer Availability Charge (SAC) determination is required for this change in use. The applicant shall be responsible for paying any SAC, WAC, or PAC charges related to the improvements proposed with this project.

- END COMMENTS -

DRAFT
MINUTES OF THE MAPLEWOOD PLANNING COMMISSION
1830 COUNTY ROAD B EAST, MAPLEWOOD, MINNESOTA
TUESDAY, APRIL 19, 2016
7:00 P.M.

5. PUBLIC HEARING

a. 7:00 p.m. or later: Consider Approval of a Conditional Use Permit Resolution, Ebenezer Karen Baptist Church, 1055 Viking Drive

- i. Economic Development Coordinator, Mike Martin gave the report for considering the Approval of a Conditional Use Permit Resolution for Ebenezer Karen Baptist Church, 1055 Viking Drive.
- ii. Attorney, Peter Stalland, Stalland Law Office, 171 – 5th Street, Marine on St Croix, representing the seller and the buyer in this project addressed and answered questions of the commission.
- iii. Pastor, Bill Englund, First Baptist Church, St. Paul, addressed and answered questions of the commission.

Chairperson Arbuckle opened the public hearing.

1. Wilfred Tunbaw, Board Chair of the Ebenezer Karen Baptist Church addressed the commission.

Chairperson Arbuckle closed the public hearing.

Commissioner Trippler moved to approve the resolution approving a conditional use permit for Peter Stalland, on behalf of Tom Hermanson and Ebenezer Karen Baptist Church at 1055 Viking Drive. Approval is based on the findings required by ordinance and subject to the following conditions: **(changes to the motion are in bold and underlined)**.

1. The main gathering space of the church is limited to 400 persons. Applicant shall submit a seating chart to city staff.
2. No exterior site or building exterior changes, except signage, shall take place unless approved by the city. Signs shall follow the city's sign ordinance. Signs shall not be installed unless the applicant first obtains sign permits.
3. Any and all trash receptacles shall be contained within an enclosed structure. Any design of a new structure shall be subject to the city's design review process.
4. The proposed use must be substantially started within one year of council approval or the permit shall become null and void. The council may extend this deadline for one year.
5. The city council shall review this permit in one year.

6. All of the applicant's parking shall be confined to the site and not allowed on city streets or neighboring properties.
7. City ordinance requires 164 spaces for the use of the building as a church and office space and 159 are being provided. The city approves the waiver of five parking spaces. **The applicant shall submit to the city a parking plan showing the location of 5 proof-of-parking spaces.**
8. The city shall monitor any parking complaints and report to the city council about compliance annually during the CUP review.
9. The applicant shall submit a parking restriping plan and maintenance plan or staff approval.
10. The applicant shall comply with all requirements of the building official, assistant fire chief and city engineer.

Seconded by Commissioner Kempe.

Ayes - All

The motion passed.

This item goes to the city council on May 9, 2016.

CONDITIONAL USE PERMIT RESOLUTION

WHEREAS, Peter Stalland, on behalf of Tom Hermanson and Ebenezer Karen Baptist Church, applied for a conditional use permit to operate a church.

WHEREAS, Section 44-1092(3) of the city ordinances requires a conditional use permit for churches and institutions of any educational, philanthropic and charitable nature.

WHEREAS, this permit applies to the property located at 1055 Viking Drive. The property description is:

That part of the West 171.32 feet of the East 662.32 feet of the Southwest 1/4 of Section 9, Township 29, Range 22 lying Northerly of State Trunk Highway No. 36-118, according to the United States Government Survey thereof, Ramsey County, Minnesota.

The North 180.00 feet of the West 180.8 feet of the East 920.32 feet of the Northeast 1/4 of the Southwest 1/4 of Section 9, Township 29, Range 22, Ramsey County, Minnesota.

That part of the West 77.20 feet of the East 739.52 feet of the Southwest 1/4 of Section 9, Township 29, Range 22, lying Northerly of State Trunk Highway No. 36-118, Ramsey County, Minnesota, according to the United States Government Survey thereof.

WHEREAS, the history of this conditional use permit is as follows:

1. On April 19, 2016, the planning commission held a public hearing. The city staff published a notice in the paper and sent notices to the surrounding property owners. The planning commission gave everyone at the hearing a chance to speak and present written statements. The planning commission also considered the report and recommendation of city staff. The planning commission recommended that the city council approve this permit.
2. On May 9, 2016, the city council considered reports and recommendations of the city staff and planning commission.

NOW, THEREFORE, BE IT RESOLVED that the city council _____ the above-described conditional use permit, because:

1. The use would be located, designed, maintained, constructed and operated to be in conformity with the City's Comprehensive Plan and this Code.
2. The use would not change the existing or planned character of the surrounding area.
3. The use would not depreciate property values.
4. The use would not involve any activity, process, materials, equipment or methods of operation that would be dangerous, hazardous, detrimental, disturbing or cause a nuisance to any person or property, because of excessive noise, glare, smoke, dust, odor, fumes, water or air pollution, drainage, water run-off, vibration, general unsightliness, electrical interference or other nuisances.
5. The use would not exceed the design standards of any affected street.

6. The use would be served by adequate public facilities and services, including streets, police and fire protection, drainage structures, water and sewer systems, schools and parks.
7. The use would not create excessive additional costs for public facilities or services.
8. The use would maximize the preservation of and incorporate the site's natural and scenic features into the development design.
9. The use would cause no more than minimal adverse environmental effects.

Approval is subject to the following conditions:

1. The main gathering space of the church is limited to 400 persons. Applicant shall submit a seating chart to city staff.
2. No exterior site or building exterior changes, except signage, shall take place unless approved by the city. Signs shall follow the city's sign ordinance. Signs shall not be installed unless the applicant first obtains sign permits.
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9. The applicant shall submit a parking restriping plan and maintenance plan for staff approval.
10. The applicant shall comply with all requirements of the building official, assistant fire chief and city engineer.

The Maplewood City Council _____ this resolution on May 9, 2016.